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MONTANA



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**MONTANA COAL—our No. 1
environmental issue**



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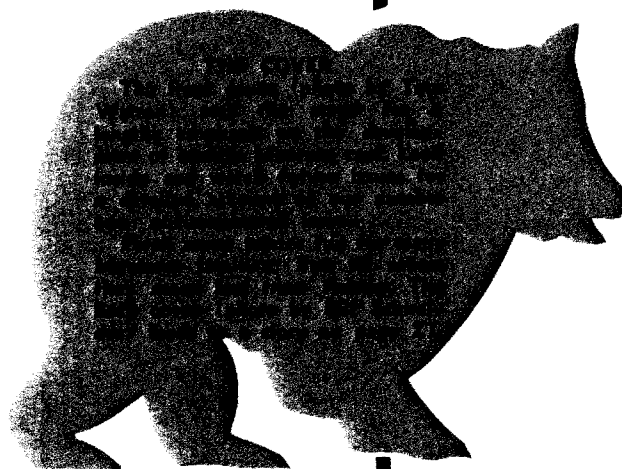
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MONTANA COAL--part one

by Bill Schneider

THE BIG SACRIFICE

EDITOR'S NOTE—The Department of Fish and Game views the upcoming extraction of billions of tons of "black gold" and the subsequent industrial development slated for eastern Montana as our most serious current environmental issue.

Anyone who has visited these rolling prairies, pine-covered hills and sagebrush flats couldn't bring himself to "write them off" as Montana's contribution to an unwarranted demand for electricity. The charm of the western plain quickly captivates even the casual observer. This area has irreplaceable environmental, cultural, scenic, social and historical values, all of which stand to be lost or altered beyond recognition.

Of initial concern to us, as an agency, is, of course, the nationally famous fish and wildlife resource found there. But even more important is the land, air and water on which this resource depends. This high quality aquatic and terrestrial habitat could disappear forever from Montana's landscape, leaving fish and wildlife as unfortunate victims and Montanans as the "biggest losers of all."

Evidently, the question of whether or not the coal will be wrested from the earth has already been answered. It will. Now, we, as Montanans, must decide how we should allow it to proceed and how it should be controlled.

To do our part, MONTANA OUTDOORS has planned a lengthy series of articles on virtually every aspect of the development. The following, the first, is general in nature and acts as a preview of more detailed stories to come.

Hopefully, our voice won't be lost in the uproar or drowned in the applause. Instead, we hope to make a meaningful contribution to de-

termining the correct course the development should take.

IN PRIMEVAL TIMES, members of ancient cults sacrificed lambs, poultry and even humans to "please the Gods." Today, that practice is generally intolerable and quite illegal . . . or so it seems.

But now as this state braces itself for the sure-to-come development of its incredibly wealthy coal fields, some Montanans find it difficult to avoid the analogy.

That's right. Montana is now on the altar to "please the Gods" . . . the altar being the projected power needs or so-called "energy crisis" of this nation and the Gods, the coal companies, utilities, eastern and midwestern cities and water development interests.

For openers, Montana stands to lose 770,000 acres of productive prairie and excellent wildlife range, 2.6 million acre-feet of Yellowstone River water, air quality ranking close to the cleanest in the nation and another contest with "boon and bust" resource exploiters.

After all the coal is stripped (about 35 years) and burned for thermo-electric energy, Montana gets a lower quality environment, a stagnant economy, reduced fish and wildlife populations, a declining tax base and an even higher unemployment level.

So, let's call it the *BIG* sacrifice.
what exactly is happening?

This feature is by no means a great exposé of proposed industrial growth spawned by rich eastern Montana coal reserves. Much has already been said and written, some bad and some good, but mostly bad.

Lying beneath eastern Montana and parts of neighboring states is probably the richest mineral deposit in the world—34 billion tons of strippable black gold—sub-bituminous coal and lignite. To



F&G photo by Harley Yeager



(c) NATIONAL GEOGRAPHIC SOCIETY

SACRIFICE

this — for — this?

Will Montana prairies (left) duplicate the sickening ugliness of many ravaged eastern areas? (right) Not if Montanans come to arms to carefully control every facet of the upcoming coal development.

further its attractiveness are the generally shallow overburdens (sometimes only a few feet), thick seams (more than 50 feet) and low sulfur content (averaging less than one per cent). Most of the coal will be strip mined which, compared to subterranean mining, is safer and less expensive. It is, however, much more damaging to the environment.

Although eastern and midwestern coal fields still

provide 94 per cent of the nation's 600 million-tons-a-year demand, these states only contain 17 per cent of the remaining strippable, low-sulfur coal. It's this alarming statistic, 83 per cent of the nation's strippable coal reserves in western states, that is bringing the coal industry west.

Anyone sitting back and hoping "it might not happen" had better wake up and start wondering "how it can be controlled." For the extraction of

THE IMPENDING DEVELOPMENT OF COAL RESERVES IN MONTANA AND OTHER WESTERN STATES MAY VERY WELL REVERSE THE POPULATION TREND OF THE CENTURY AND SEND PEOPLE SCURRYING BACK TO THE "OLD EAST."

THE BIG SACRIFICE continued

Montana's strippable coal is a positive thing and already underway.

Never before has the Big Sky State faced a situation with the possible environmental and socio-economic ramifications of this impending development. The wonders of modern technology have provided the strip miner with tools to assault the land with a destructiveness previously believed impossible. And this same miner, the stripper, has staked his claim in eastern Montana.

In fact, coal companies, utilities and water developers view it as the "hottest thing going" and take the extraction and subsequent industrial complex for granted.

"We're sitting on one of the largest, if not the largest, coal deposits in the world," said Gene Tuma of Peabody Coal Co. at a Land and Water Use Seminar in Billings in May, 1972. "We're committed to this development because of the need for energy."

(Incidentally, Peabody is one of the four present strippers of Montana coal, holds one-third of the coal leases in Montana and North Dakota and has a questionable environmental record.

But as developers applaud the "discovery" which was actually discovered decades ago, landowners, angered by the possible loss of their livelihood—the land, condemn it.

"If we don't stop this powerful coalition of industries," warns Rosebud Creek rancher Don Golden, "they will gobble up the whole southeastern corner of Montana before the public even realizes what's happening."

Most landowners in that region and most developers involved share the strong feelings of Tuma and Golden.

is it really real?

Yes, it's "real" on two counts. First, the urban centers of the Midwest and East are, for the first time, feeling the "pinch" of air pollution controls. Industrialists are shifting their economic eye from more accessible coal fields to low-sulfur western deposits. (Montana's coal averages one per cent or less sulfur whereas that of Kentucky, Appalachia and Pennsylvania runs four per cent or more.) By using Montana coal instead of that of closer reserves, industry can escape clean air restrictions by pouring less sulfur oxides into the surrounding air and can avoid painful economic changes in their plant's machinery.

(Some observers, however, believe it would be much better to clean up once and for all instead of "weaseling around it" with different fuel.)

The truism that urban America views Montana coal as an escape route past needed air pollution control devices brings to the surface one of the rarest bits of irony ever unearthed. The quest

for a cleaner environment in larger cities in the form of pure air will, unless immediate action is taken, degrade the environment in the form of uprooted land, dry rivers and filthy air in eastern Montana.

Or, in short, an environmental action program (clean air in big cities) will indirectly destroy the sparsely populated and supposedly "desolate wasteland" on eastern Montana.

The very idea of shipping Montana coal to be burned in Chicago, Minneapolis or St. Louis was unthinkable a few years ago. But now, with the ghosts of air standards haunting polluters, the ancient economic laws are collapsing.

Not all of Montana's black gold will be loaded onto trains for long rides to urban centers. Some will fuel electric generating plants in and around Montana with the resulting power transferred out of the state via a proposed giant transmission grid requiring about 4,600 square miles of right-of-way. And some fire coal gasification and liquefaction plants.

Building the power plants here instead of where the energy is needed prevents further damage to already devastated environments. Eastern Montana (where the land, water and air is still pure) has the capacity to absorb dirty air and wrecked land. Perhaps the logic behind it all is to "spread out" the pollution rather than concentrate it all in a few urban areas.

Secondly, the need for energy will supposedly increase as pointed out by Tuma of Peabody, the now infamous North Central Power Study (NCPS)—prepared by the Bureau of Reclamation and 35 major utilities—and all others dependent on power development for subsistence. That means the black gold will fire monstrous power plants in Montana and other western states. The plants (the NCPS forecasts 21 for Montana) will sprout from the rolling prairies destroying the serenity and balance of rural culture. Many Montanans are already wondering how the complex can fit into their way of life. Some think it can not.

But the Bureau of Reclamation, which will play a big role in the development, does. The federal agency notes, "Construction of water supply facilities and associated development of the coal resources would change portions of the southeastern Montana-northeastern Wyoming area from a quiet ranching economy into a bustling energy-producing or industrial-based economy."

Regardless of how "outside interests" and federal agencies view the development, it's safely said that Montanans hold that particular part of their heritage in high esteem and will be quite reluctant to consider it their donation to technology.

is there really an energy crisis?

Must the demand for power "double every 10

years," as predicted by the NCPS?

Don L. Brown, director of the Montana Department of Fish and Game, thinks not. He points out that NCPS fails to discuss "present frivolous and wasteful uses of electrical power."

And John Goers, reclamation administrator for the Montana Department of State Lands, also wonders. In the same panel discussion where Tuma took the energy need for granted, Goers asked, "Why are energy companies still urging the public to get an electric toothbrush and the 'when-I'm-not-there' yardlight and then complaining about the energy crisis?"

That's like advising someone to eat all their food today so they can go hungry tomorrow.

The entire question of whether or not there actually is an energy crisis will be brought up many times before development goes further. Predictably, those now dependent on energy development will insist the crisis is approaching disaster proportions, and environmentalists of various extremes will contend it's only a hoax conceived and blown up by power companies to assure their future existence.

What nearly all concerned—pro and con—will agree to is that it may not be a power shortage but a simple fact of power in the wrong place at the wrong time and the lack of inter-connection in the power grid. Supposing that's true, the 53,000 mega-

ban on all coal-burning, electric-generating plant construction until more attention is given to other power sources.

Such a moratorium becoming a reality is about as likely as a bolt of lightning striking the reader as he reads this. But nevertheless, the point is made—the actual "need" for energy, other than financial profit for coal and power companies, must be carefully investigated before the green light flashes and not "after the fact" as is the case with many resource-degrading developments.

how far has it gone?

Montana strippers are already wresting 16 million tons (disturbing 275-500 acres) of black gold from the prairie each year. Most of it is then loaded on trains bound for points east—St. Louis, Chicago, Omaha, Minneapolis. That's up 16-fold from 1968, and by 1975 the state's annual output is expected to reach at least 20 million tons. Maximum consumption of 200 million tons annually (involving about 5,000 acres) is projected for sometime after 1980.

What does Montana get from all this? Very little, according to Director Brown. He believes the "most shortsighted action we could allow would be to burn our coal in inefficient generating plants to be consumed as electricity in the midwestern United

"THE ONLY REAL ARGUMENT I HAVE HEARD AGAINST STRIP MINING IS THE CLAIM THAT IT RUINS THE LANDS." —Congressman James Kee (D-W. VA.)

watts of electric power predicted to come from the Montana-Wyoming complex may not be needed right now. And that means there may be an excellent reason for tightening the reins on coal development until such time as the power is positively needed.

(A megawatt equals 1,000 kilowatts, so 53,000 megawatts is enough electricity to light up 530 million 100-watt light bulbs.)

That action would certainly be strongly supported by the Montana ranchers who fear they have little to look forward to but gaping holes and spoil banks where their livestock now roams.

And again, if the extraction of coal were slowed, which is very unlikely, other non-polluting and undestructive energy sources like steam, wind or solar energy may be perfected . . . and eastern Montana prairies could remain themselves forever.

The Sierra Club, for one, has decided to do more than cuss the energy crisis, something they view as a complete fallacy. They've advocated a

States." And most others likewise concerned about Montana's natural resources and social welfare agree.

The NCPS notes coal reserves will only last 35 years if developed to the report's suggested level, and the coal will be burned in inefficient power-generating plants with 60 to 70 per cent written off as waste. (Montana Power admits the J. E. Corette plant at Billings is only 27 per cent efficient.)

is there any alternative?

Considering the traditional American fashion and the economics of it all, it's doubtful any alternative to strip mining/power plant generation will be seriously considered. However, at least two exist.

Bruce Driver of the Environmental Policy Center (a Washington, D.C.-based coalition of conservation groups) says deep mining represents "the only realistic substitute for surface-mined coal. Even in today's economic and technological frame-

THE BIG SACRIFICE continued

work, there are abundant deep mine reserves of very low sulfur coal to offset a loss of surface mined coal."

He cites Bureau of Mines statistics in saying, "There are 221.5 billion tons of low sulphur deep-minable coal which can be mined and mined at today's prices, under today's technology. This figure is about 1,118 times the total amount of surface-mined coal burned by electric utilities in 1970."

According to the same figures, Montana has 47,726 million tons of low-sulfur deep-minable coal and 6,133 million tons of strippable low-sulfur coal. That translates into an interesting fact—only 12 per cent of Montana's low-sulfur reserves are strip-pable and the rest must be deep mined or left.

Perhaps the only other choice represents a crash program to develop alternate energy sources. Several possibilities exist (i.e. wind, solar, steam, tides, fuel cells) but the "Gods" seem to have their sights on strip mining, and research on other energy sources is stored in the back room.

where do we stand now?

At this writing, four strippers are at work in eastern Montana—Decker Coal Co. (near Decker),

Knife River Coal Co. (near Savage) and Peabody Coal Co. and Western Energy, a Montana Power subsidiary, (both near Colstrip). At least two more are presently preparing to open mines—Morrison-Knudson, a partner in Westmoreland Resources, a conglomerate of coal and energy companies, (north of Hardin) and Consolidation Coal Co. (in the Bull Mountains, near Roundup).

All four active mines have "voluntary" reclamation contracts issued under the 1967 Reclamation Act. Miners in operation before the effective date of the 1971 law (March 9, 1971) aren't bound by its stricter provisions.

Reclamation specialist Goers thinks "these contracts do not meet Montana's needs and require very little in the terms of quality reclamation. They contain very few grading or revegetation requirements and only one (of the voluntary contracts) is covered by a bond to assure promises are kept."

He notes some of the "reclaimed lands under the 1967 law do not even support thistles let alone grass or wildlife browse species."

Knife River and Decker coal companies have voluntarily applied for the stiffer contracts required by the 1971 law, according to Goers. "These appli-

What's happening in Sarpy Creek?

"What goes there?" say the ranchers of the Sarpy Creek drainage, north of Hardin, MT.

"Just an railroad and strip miners," comes a grim answer.

"Oh," say the ranchers, "look that mean we have nothing to worry about?" No answer.

But some of those farming and ranching the sandy soils of Sarpy Creek are worried about losing their livelihood—the land—about their children (front corner)—about the wildlife they had supported so well—and just plain worried.

One is John Redding, who ranches just north of a budding strip mine and a mile or so from a planned railroad spur to the mine.

"When I see them making their road, leveling out for their mine and just making a big mess up there, I just feel pretty sick," Redding told MONTANA OUTDOORS.

"Why I wouldn't be surprised at any-

thing. Things have happened out here, you wouldn't believe."

Redding and other Sarpy Creek residents spit wild tales of pressure tactics employed by coal companies to obtain their land without paying a fair (in the rancher's mind) price for it.

Under slow-moving Sarpy Creek lies rich seams of low-sulfur coal which is sought by giant coal companies such as Westmoreland Resources, Inc. and Consolidation Coal Company. The Crow Tribe at one time owned the surface and the mineral rights in the Sarpy Creek area. But then, probably because they needed the money, they sold it back to the federal government. And then, when they found out about the incredible rich coal reserves they had sold, they cried "fool" and were returned the mineral rights. The federal government, however, retained the surface and dished it out under the Homestead Act to "develop the West."

Now, the West has enough people, but the statute still stands. The unusual situation being the Indians own the coal even though it's not part of the reservation, and the surface is in private ownership, mostly in small ranches.

Westmoreland, et al., have leased the coal from the Crow Tribe. According to the New York Times, Westmoreland Resources, Inc. (a recently formed partnership between Westmoreland Coal Company, Morrison-Knudson Company, Kawasoe Oil Company and Kemmerer Coal Company) received the coal rights to 22,000 acres of Indian coal for an average cost of only \$7.97 per acre.

Actually, the coal companies wouldn't need the surface so they have the legal right to go in, explore for and mine the

coal. But they decided to obtain the surface also.

Redding and a few others balked and objected to the offers of Westmoreland, creating a standoff.

"Being the surface is owned by private citizens," Pemberton Hutchinson, president of Westmoreland, told MT. "You either have to get them (the ranchers) to sell it to you under their own free will or exercise the right of the law utilizing condemnation proceedings."

Normally, Westmoreland, et al., go in, pay the landowner damages and mine the land. But suppose, Hutchinson notes, "the landowner won't agree to damages or simply won't agree, period. Then the miner only has two alternatives: (1) to not disturb the land—walk away from it or (2) to proceed against the landowner under condemnation."

Hutchinson said they aren't filing any condemnation suits. "We've gotten enough people to agree that, at least for the time being, we don't have to go that route. We needed to argue with eight landowners and we settled with six . . . and that's enough."

(Westmoreland will open its strip mine on April 1, 1974 according to Hutchinson. Right now topsoil is being stockpiled for later reclamation efforts, a 25-cubic yard dragline is under construction and several other preparatory projects are underway.)

Even though Westmoreland insists they have no plans to bring condemnation suits against the Sarpy Creek ranchers, Redding insists they threatened him with legal action. And he has a letter (dated Feb. 26, 1973) from a Billings law firm representing Westmoreland that states,

cations did make some commitments such as the salvage and re-use of all topsoil on the mine sites. The Peabody Coal Co. has similarly applied, making commitments to re-topsoil at least half of the coming year's disturbances. Peabody had just put a brand new self-elevating scraper to work saving topsoil when members of the reclamation division visited the mine site in mid-November."

But on the other hand, those who feel confident that Montana has the time and resources to control the development are somewhat disillusioned. At least, that's the opinion of Ted Schwinden, State Land Commissioner.

At a Conservation Foundation hearing at which he was invited to testify, Schwinden blasted the "emphasis on rhetoric rather than action" that left Montanans frustrated. "Our governor, state agencies and citizens have been told that development is a long way off, that there is plenty of time and that the coal will be there for a long time," he continued. "This is directly contradictory to what is occurring in our state."

Schwinden noted that Montana was already scrambling to do everything it could to prepare for the development, but that federal assistance would

be welcome and probably necessary. "We (Montanans) have decided the time has come to stop giving away our natural resources and . . . insist on a fair return."

As a "fair return," he suggested more jobs, adequate planning to prevent haphazard growth, reclamation to "equal or better use," guarantees there will be "enough water for Montana's largest source of wealth—agriculture," adherence to air and water quality standards and a significant state role in determining the direction of the development.

"And," he concluded, "we do not want the beauty of our prairies, the productivity of our farms, the culture of our small towns and the heritage of our state sacrificed to unreasoned industrialization."

Schwinden also predicted that without adequate controls, the development would leave Montana with "a high unemployment rate, a declining tax base, a stagnant economy, a degraded environment and bitter memories."

In anticipation, Montana has already passed a reclamation law, strengthened water and air pollution regulations, set up an Environmental Quality Council to monitor state agency activities affect-

"Absent such positive steps or acceptance, Westmoreland will have no alternative but to institute an action against you to condemn the surface necessary for its mining operations. Westmoreland is reluctant to follow this course."

To obtain the surface, Westmoreland employed a Billings firm, Norsworthy & Reger, Inc. Redding and a few others condemned the tactics used by the firm to get the surface.

"They told me to be moved off by the first of March (1972) or else," Redding recalls. "I told them I had 50 acres of wheat to get out, but they said that was just my tough luck."

"I guess one way you'd say it is a guy is putting a rope around your neck and tying that rope to a limb and he's about ready to kick the stool out from under you. You don't know whether he will let you drop or whether he's bluffing. You have to make a decision kind of quick. What is he gonna do to me? Am I gonna survive or is he just bluffing?"

Redding tells of a financial offer that was so complicated that he really didn't know what he was getting or what he was selling or how much he was getting for it. "Why, when everything was done, we got about \$10 an acre, and they got a mortgage on your whole place, and you end up paying interest to them."

"I had a neighbor who signed that thing," Redding says, referring to the lease agreement offered by Westmoreland. "I was over to his house the other night and he was crying. He's a bachelor, so his place is about all he's got, and he was sitting there crying. I tell you, you see a neighbor that would do anything for you, and you see what's happening to him and you're helpless. I decided right

there that I was gonna get organized before I would have anymore dealings with them [the coal companies]."

Hutchinson of Westmoreland, however, feels the criticism isn't "fair."

"Norsworthy & Reger were hired by us to acquire surface," Hutchinson said. "There's a difference of opinion on how they acted. I'm sure they told the land-owners that there was the right of condemnation. And I don't think the land-owners particularly liked what they heard. In fact, they were annoyed as hell."

"We [Westmoreland] weren't there. We hired Norsworthy & Reger because we thought they were the best to do the job."

As for the complexity of the financial offer, Hutchinson also disagrees. He describes it as a simple act of buying the land and then leasing it back to the rancher "before, during and after mining and after mining at a very nominal fee about equal to the taxes."

"They don't have to move off, they stay right on the land."

But Redding didn't sell, doesn't like the idea of looking out his window each morning and seeing a strip mine, insists he was told he would have to move from his land after mining began and has his own ideas on what his land is worth.

"I have a million dollars-a-section figure in my mind and it sounds awfully good to me. I think it's worth that, but I'm still not crazy about letting it go."

To get Sarpy Creek coal out, Burlington Northern (BN) is constructing a 35-mile railroad spur south from Hysham along Sarpy Creek to the mine site. The spur line has probably caused as much ruckus and ill feelings as the strip mining itself.

Some of the local residents saw it as an opportunity to stop the destruction of their land by miners and the railroad. They tried to keep BN from obtaining the necessary right-of-way. But as it often goes with such attempts, it didn't work. BN will have its right-of-way in the near future. The railroad has almost all necessary easements except a few that are in the negotiation stage. They did, however, have to file several condemnation proceedings to get their right-of-way. The line is already under construction.

"You can't stop the railroad," says Harold Miller, who farms near Hysham at the beginning of the spur line. "You just got to get the best deal you can. They say they will make more open water for the ducks in those marshes out there. I figured that was pretty good, considering."

All is not settled, however. There is still a legal question as to whether BN has complied with the letter of the law, namely the federal and state environmental policy acts and Interstate Commerce Commission regulations.

What lies ahead for Sarpy Creek? Strip mines, more people, more railroads, less productive land, less water, fiery tempers and bitter memories to be sure.

"They aren't helping us any," challenges John Redding. "They're helping themselves and some of the people who got stock in their companies. That's who they're looking out for."

"We just can't take on Continental Oil or Westmoreland by ourselves. We're only a few small ranchers. We need help. We need backing all over the United States."

So it goes in Sarpy Creek. ■

THE BIG SACRIFICE continued

ing the environment, hired more people to study various phases of the development, made it a political issue and formed a six-agency task force.

And to further the state's grip on industrial growth and mining, the 43rd legislature will have before it a new and tougher reclamation law. Its major provisions (listed in an accompanying table) have already been heralded by most politicians and conservation groups. A few, however, claim it's still "too weak" and will allow environmental damage. But that view is shunned by the Department of State Lands which feels it's the best law we can hope for.

On the national level, some legislation involving strip mining will surely pass and probably this year.

Its provisions include: (1) a ban on contour mining for coal on steep slopes where damage is greatest, (2) prohibition of any surface mining without a special permit from the Environmental Protection Agency (EPA), (3) a requirement that the permit guarantee the land be reclaimed to "original use," (4) a moratorium on federal issuance of coal leases and exploration permits on public lands, (5) special federal protection and aid to assure the restoration of any jobs displaced by surface mining controls and (6) provisions for full public participation.

The Wisconsin senator argues that the strip mining industry should not be allowed to pass the cost of reclamation on to the consumer but should internalize it. He also insists the stripper should bear the burden of proof that reclamation will be done.

"STRIP MINING IS LIKE TAKING SEVEN OR EIGHT STIFF DRINKS. YOU ARE RIDING HIGH AS LONG AS THE COAL LASTS, BUT THE HANGOVER COMES WHEN THE COAL IS GONE AND THE JOBS ARE GONE AND THE BITTER TRUTH OF THE MORNING AFTER LEAVES A BARREN LANDSCAPE AND A MOUTH FULL OF ASHES."—Congressman Ken Hechler (D-W. VA.)

Several bills are already hot conversation pieces in congressional halls. They vary from complete bans on surface mining to legislation written and sponsored by the mining industry to give itself a boost.

It's commonly known that to curb a public outcry like the one against strip mining, the target of the legislation (the stripper, in this case) actually writes and then supports legislation that "on the surface" seems to meet the demands of the populace. When it passes and the dragon's fire cools, exploiters go back to business as usual." Some

**See page 26 for more
on Montana coal**

of this type of legislation has been introduced but hopefully, for the good of Montana, will not succeed.

However, other legislation that would virtually eliminate the stripper and all his ugly doings is also before Congress. Such is the case with bills sponsored by anti-strip mining Congressman Ken Hechler (D-W. Va.) and by a leading conservationist in the Senate, Gaylord Nelson (D-Wis.)

The intent of Hechler's bill is pure and simple—to end surface mining altogether and to reclaim all land now lying topsy-turvy after the stripper has uprooted the bowels of the earth.

Noting that strip mining is "environmental warfare on our own country," conservationist Nelson has written a similar but more detailed bill.

"Strip mining's permanent destruction of the values of the land has not only been a crime against the environment but an incredible economic waste," Nelson claims. "It levies a cost against the future far beyond any short-term profit that has been gained."

Another bill, sponsored by Senator Lee Metcalf (D-Mont), would implement a tough severance tax on the coal industry.

The U.S. House of Representatives did, according to Congressman John Melcher (D-Mont), pass "a strong national strip mining reclamation law." But Congress adjourned before the Senate could act on it, although it did approve a resolution asking for a temporary moratorium on federal coal leasing within Montana.

A ban on federal coal leasing doesn't really slow down the stripper, only muddles up his future plans a bit. Although estimates vary and depend on the extent of the mining, there are already enough federal coal leases to strip mine eastern Montana for 50 years at the present rate and less, if mining increases.

(In view of legislation sure to appear in Montana's legislature and in Congress, it's vital to realize the difference between a "moratorium on leasing" and a "moratorium on mining.")

But regardless of what legislation survives the congressional storm, Montanans can only hope it will aid their efforts and put a leash on the stripper

| "THE MONTANA RECLAMATION ACT" (proposed) | "THE MONTANA OPEN CUT OR MINED LAND RECLAMATION ACT" (effective March 9, 1971) |
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| Selective denial of the right to mine by the State where circumstances warrant. | State cannot deny right to mine. |
| Permit system, permit good for one year only, option to cancel at end of year. | Reclamation "contract" good until cancelled by mutual consent of the mines and the State. |
| Authority to regulate mining in rough terrain. | No control of mining on steep slopes. |
| Control of entire method of operation. | Control of reclamation plan only. |
| Maximum bond to insure reclamation is \$5,000 per acre. | Maximum bond — \$1,000 per acre. |
| Authority to immediately halt any operation in violation of the law. | Must resort to lengthy legal process to attempt to halt an operation. |
| Suitable vegetative cover must be established or bond forfeited. | Only two attempts at seedling required. |
| Statutory authority for contour grading and topsoiling. | Only best reclamation procedures available under the circumstances required. |
| Violator of law subject to \$1,000/day fine, forfeiture of bond, and revocation of permit. | Violator of contract may be sued by state for breach of contract and payment of bond. |
| Authority to deny permit to repeated violators. | State cannot deny right to mine. |
| Restoration of land must be kept current. | Reclamation to be as current as feasible. |
| Citizens may act to see that law is enforced. | No related provision. |
| Citizens may recover for damages to ground water supply. | No related provision. |
| A surface owner may recover from a miner for damages from contaminated water draining from the mining operation. | No related provision. |

that has started gnawing on the southeastern corner of their state. If a bill passes and no help comes or if no legislation succeeds, it will only add new weight to the theory that Washington, D.C. is only a fantasy-land where we send our tax dollars and problems without knowing what happens to either.

Federal action is an intangible to be hoped for and not depended upon. Of immediate concern to Montanans is the proposed reclamation law now before the state legislature.

If the more muscle legislation succeeds, Montana will indeed have one of the best strip mine reclamation laws in the nation. That only seems

appropriate since we have one of the richest strip-pable reserves. Passage will be a great victory, but then comes the problem of sufficient appropriations. Like so many laws presently on the books, it needs funds to implement it.

Undoubtedly, the new law will be hotly contested and one of the most controversial acts of this session, but also one of the most important for Montanans. Most opposition will, of course, come from those who would be affected financially by it.

Its passage means a big step in controlling the development . . . and the sacrifice will be called off, scoring one for the people and the land.